IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9539 of 1999

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)

Versus

MANSUKHBHAI AA KHAKHARIA - Respondent(s)

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Appearance :

MS RESHAM MEHTA for MR HARDIK C RAWAL for Petitioner No(s).: 1.

MR HM PRACHCHHAK for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

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1. This petition is directed against the order dated 16th December, 1998 passed by the Labour Court, Jamnagar in IESO No. 1 of 1998, whereby the order passed

below Exh. 2 was extended till the final order.

2. The short facts of the case are that the respondent was working as a Conductor with the petitioner Corporation. While the respondent was on duty, the bus was checked by the checking squad of the petitioner Corporation and certain irregularities in the issuance of tickets were found. Therefore, charge sheet was issued and departmental inquiry was held against the respondent. Since the charges levelled against the respondent was proved, he was dismissed from the service.

2.1. Feeling aggrieved by the dismissal order, the respondent raised an industrial dispute which was ultimately referred to the Labour Court for adjudication. The Labour Court, pending the reference extended the order passed below Exh. 2 till the final order. Hence, this petition.

3. While admitting this petition, this Court vide order dated 6th December, 1999 had stayed the operation of the impugned order, with a direction to hear and dispose of the Reference within a period of three months. Since the interim relief is operating, it would be appropriate

to direct the parties to maintain the said position till the IESO No. 1/98, pending before the Labour Court, Jamnagar is finally disposed of.

4. I have heard the learned counsel for the parties and have perused the materials placed on record. In view of the peculiar facts and circumstances of the case, I am of the opinion that ends of justice would be met, if the Labour Court, Jamnagar is directed to dispose of the IESO No. 1/98, while continuing the interim relief granted by this Court.

5. Therefore, without entering into the merits of the matter, the Labour Court, Jamnagar is directed to hear and dispose of the IESO No.1/98 pending before the Labour Court, Jamnagar, as early as possible and preferably within a period of one year from the date of receipt of writ of this order. The interim relief granted by this Court vide order dated 6th December, 1999 shall continue till the said IESO is finally disposed of.

6. With the above observations and directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

7. The office is directed to send a writ of this order forthwith.

[K.S. JHAVERI, J.]

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